

EXHIBIT D

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ANTONIO LOPEZ, individually;)	
JOHANNA LOPEZ, individually;)	
M.R., by and through his)	
guardian ad litem, April)	
Rodriguez, individually and as)	Case No.
successor in interest to)	8:22-cv-1351
Brandon Lopez; B.L. and J.L.,)	
by and through their guardian)	
ad litem Rachel Perez,)	
individually and as successor)	
in interest to Brandon Lopez;)	
S.L., by and through his)	
guardian ad litem, Rocio)	
Flores, individually and as)	
successor in interest to)	
Brandon Lopez,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
CITY OF ANAHEIM; CITY OF SANTA)	
ANA; DAVID VALENTIN; JORGE)	
CISNEROS; PAUL DELGADO; BRETT)	
HEITMAN; KENNETH WEBER; CAITLIN)	
PANOV; DOES 1-10,)	
)	
Defendants.)	
)	

VIDEOTAPED DEPOSITION OF JOHANNA SUZETTE LOPEZ

TAKEN ON

WEDNESDAY, MAY 8, 2024

CRISTINA ROLLER
CSR NO. 10879

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CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

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Case No.
8:22-cv-1351

Plaintiffs,

vs.

CITY OF ANAHEIM; CITY OF SANTA
ANA; DAVID VALENTIN; JORGE
CISNEROS; PAUL DELGADO; BRETT
HEITMAN; KENNETH WEBER; CAITLIN
PANOV; DOES 1-10,

Defendants.

VIDEOTAPED DEPOSITION OF JOHANNA SUZETTE LOPEZ, taken by
the Defendants, at 650 Town Center Drive, Suite 1400,
Costa Mesa, California, commencing at 10:03 a.m.,
Wednesday, May 8, 2024, before Cristina Roller, Certified
Shorthand Reporter, License No. 10879, for the State of
California, pursuant to Notice.

1 APPEARANCES OF COUNSEL:

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20
21 Also Present:

22 ADAM ELLISON, VIDEOGRAPHER
23
24
25

1 Q. Sure. When you say you were present one block
2 away, where were you positioned at the time of this
3 incident?

4 A. I was on the -- the northeast corner of Santa Ana
10:46:11AM 5 Boulevard and Baker.

6 Q. And this incident as far as what took place on
7 September 28th, is it your understanding that it went on
8 for some hours?

9 A. Correct.

10:46:28AM 10 Q. Okay. Approximately what time did you get to
11 that northeast corner of Santa Ana Boulevard and Baker?

12 A. It was somewhere between 4:45 and 5:15.

13 Q. And what led you to go to that street corner?

14 A. I actually received a phone call from my
10:46:54AM 15 son-in-law who advised me what was going on, so I just
16 jumped in the car and went over there.

17 Q. What is your son-in-law's name that you're
18 referring to?

19 A. Julio Torres.

10:47:08AM 20 Q. Do you recall what time you spoke with Julio
21 Torres on the phone?

22 A. 4:45, 4:50, somewhere in there. It was closer to
23 5:00.

24 Q. And what did you and Julio discuss at that time?

10:47:25AM 25 A. He just advised me that Brandon was sitting in a

1 lot of construction going on, so there was a lot of
2 detours where generally there wouldn't be.

3 Q. And once you got to that corner, what did you
4 see?

10:50:59AM 5 A. A lot of cop cars. Really a lot of cop cars. I
6 think it was taped off.

7 Q. Other than -- well, strike that.

8 How many cop cars approximately do you recall
9 seeing when you first got to the corner of Santa Ana
10 Boulevard and Baker?

11 A. I can't recall.

12 Q. Best estimate is fine.

13 A. Three.

14 Q. Do you remember if those cop cars were Anaheim
10:51:39AM 15 Police Department, Santa Ana Police Department or
16 something else?

17 A. Santa Ana.

18 Q. When you arrived at that corner at some time
19 between 4:45 and 5:15, do you remember seeing any Anaheim
10:51:53AM 20 police vehicles?

21 A. No.

22 Q. From where you were positioned on that street
23 corner of Santa Ana Boulevard and Baker, could you see
24 Brandon at any point?

10:52:06AM 25 A. No.

1 Q. After you arrived at that street corner and saw
2 the three police vehicles, what did you do next?

3 A. I paced back and forth. I just waited. I just
4 paced back and forth. I went around to see if I could get
10:52:31AM 5 to the other side, and they had it taped off, and there
6 was cops not letting people move around, so I just -- I
7 just stayed there most of the time.

8 Q. When you say that you tried to get to the other
9 side, where were you trying to get to?

10:52:47AM 10 A. Santa Ana Boulevard and Bristol.

11 MS. BAKKEN: All right. We've been going about
12 an hour, and I want to try to get another map printed, so
13 if we could take a quick ten-minute break.

14 MS. QUESADA: Sure.

10:53:08AM 15 THE VIDEOGRAPHER: Off record?

16 MS. BAKKEN: Please.

17 THE VIDEOGRAPHER: Off record. 10:53.

18 (Recess taken.)

19 THE VIDEOGRAPHER: Back on record. The time is
11:04:38AM 20 11:05.

21 BY MS. BAKKEN:

22 Q. Ms. Lopez, before the break, you had earlier been
23 telling me that Brandon had been diagnosed with ADHD with
24 ODD; correct?

11:04:50AM 25 A. Correct.

1 Q. Does it -- well, strike that.

2 Did you meet with a doctor to discuss that
3 diagnosis at any point?

4 A. Yes.

11:04:57AM 5 Q. Okay. And I know you said you didn't recall what
6 ODD stood for. Does oppositional defiant disorder sound
7 correct?

8 A. That might be it, yes.

9 Q. And when you learned that Brandon had been
11:05:11AM 10 diagnosed with that, did anyone inform you that some of
11 the signs and symptoms associated with that disorder would
12 be challenging authority figures and resisting rules?

13 A. I want to say yes. I think that was part of the
14 diagnosis and the discussion that we had with his
11:05:30AM 15 pediatrician at the time.

16 Q. And did you observe those behaviors as far as
17 being defiant and challenging authority figures in
18 Brandon?

19 A. Well, with me, yes.

11:05:41AM 20 Q. Okay. And also before the break, you were
21 telling me that in relation to this incident, you had
22 responded to the corner of Santa Ana Boulevard and Baker
23 Street; is that correct?

24 A. Correct.

11:05:57AM 25 Q. If I show you what we'll mark as Exhibit 3, could

1 Q. Okay. If you could just take a look, I think --
2 I can always get it reprinted if it's not clear, but does
3 that major street look like Baker to you? I can get
4 another one printed with the label on it. I think it's
11:08:16AM 5 toward the bottom. It starts and it gets cut off, but --

6 A. Oh, yeah. It could be. Just right over. Okay.
7 So about right here. Yeah. My apologies, yeah.

8 Q. That's okay.

9 A. So it was right -- yeah.

11:08:29AM 10 Q. Could you go over it with the marker? Sorry.

11 A. Yeah. I think this building is throwing me off,
12 the real big beige building.

13 Q. And if you could X out the one that -- okay.
14 Thank you.

11:08:46AM 15 MS. QUESADA: Could I get my pen?

16 THE WITNESS: Oh, yes. There you go.

17 BY MS. BAKKEN:

18 Q. Okay. So having looked at what we marked as
19 Exhibit 3, then the circle represents where you responded
11:08:54AM 20 in response to Julio's phone call; correct?

21 A. Correct.

22 Q. Okay. And that would be like you said the corner
23 of Santa Ana Boulevard and Baker. Is that one block or
24 one major street over from Santa Ana and Bristol?

11:09:10AM 25 A. Correct. To the east, yes.

1 Q. Okay. And approximately how far would you say
2 Baker is from Bristol on Santa Ana?

3 A. Whatever a block radius is. I don't know how --
4 I'm terrible with feet, so whatever one block radius is.

11:09:41AM 5 Q. Do you know -- would it be easier to estimate in
6 how many businesses were in between those two streets
7 or --

8 A. I would say there's probably about one, two
9 three, four, five, six, seven. There was probably eight
11:10:01AM 10 buildings, like six residence and two business buildings
11 from where Bristol and Santa Ana are, because it was a --
12 kind of a mixed use. That whole area is kind of mixed
13 used business and residential mixed in, apartment
14 complexes, single family home.

11:10:26AM 15 Q. Okay. And from where you were positioned at that
16 law office building at Santa Ana and Baker, could you
17 physically see the street corner of Bristol and Santa Ana
18 Boulevard?

19 A. No, I could not.

11:10:45AM 20 Q. Could you see the train tracks over there at all?

21 A. No.

22 Q. At any point when you were positioned at Santa
23 Ana Boulevard and Baker, did you ever see a black Dodge
24 Charger on the train tracks?

11:11:03AM 25 A. No.

1 Q. From where you were positioned at Baker and Santa
2 Ana Boulevard, could you ever see any Anaheim police
3 officers?

4 A. I could see police officers, but I didn't really
11:11:31AM 5 pay any attention to what their insignia said on their
6 shirts or what kind of badges they had. There was a lot
7 of personnel all over.

8 Q. When you saw the police officers, did you see any
9 of them at Santa Ana Boulevard and Bristol?

11:11:46AM 10 A. They were -- there was a lot of police personnel
11 from where I was standing all the way down.

12 Q. At any point when you were standing at Santa Ana
13 Boulevard and Baker, could you ever see any police vehicle
14 as far as a BearCat or an armored vehicle at Bristol and
11:12:13AM 15 Santa Ana?

16 A. Yes, I could see the top.

17 Q. You could see that?

18 A. I could see the top of it, yes.

19 Q. When you say you could see the top, can you
11:12:20AM 20 describe for me what you could see?

21 A. I'm assuming the BearCat is that big, darker --
22 kind of looks like it has a top. This kind of sounds
23 weird, but it looks like maybe an armored vehicle of some
24 type -- of some kind. The top part is kind of on a stalk
11:12:47AM 25 or it sits up higher than -- than the rest of the body. I

1 could just see very -- the very top of it.

2 Q. What color was it?

3 A. I believe it was black.

4 Q. When you say you could see the very top of it,

11:13:01AM 5 would that be a couple inches of it, a foot of it?

6 A. Yeah. Maybe -- maybe half a foot of it.

7 Q. Could you see any officers around that vehicle
8 from where you were positioned?

9 A. I saw a lot of police officers throughout that
11:13:17AM 10 whole area from -- from Baker all the way down.

11 Q. Okay. I guess I'm trying to understand if you
12 could see the top six inches or so of that vehicle, did
13 you see any police officers around that six inches that
14 you could see?

11:13:30AM 15 A. I believe one time I did see a -- I guess a
16 police officer out of it, yes.

17 Q. Okay. Could you see the ground by that vehicle?

18 A. No.

19 Q. Okay. Could you see any police officers on the
11:13:46AM 20 ground near that vehicle?

21 A. Yes. I could see police officers around the
22 whole vicinity. Yes.

23 Q. Okay. How close were those officers that you
24 could see to that BearCat vehicle that you've described?

11:14:00AM 25 A. If that's the -- if that's the vehicle, maybe

1 about here. Maybe -- I don't know how many feet that is.

2 Q. I'm sorry. If I could get an estimate from you,
3 I'm trying to understand where you're signaling. From you
4 to this wall?

11:14:22AM 5 A. No. No. No. If that's the vehicle, and you're
6 asking me if there was cops around it, how close they
7 were, maybe like within the vicinity of like -- what is
8 this? Like 10, 20 feet approximately.

9 Q. Okay. And those officers that you could see
11:14:42AM 10 closest to that BearCat about 10 to 20 feet from it, how
11 were they dressed?

12 A. In police uniform.

13 Q. Can you describe it for me?

14 A. Just all dark. I didn't -- I could see they had
11:14:56AM 15 emblems, and I can see that they had vests on, but I
16 didn't -- I couldn't see anything identifying anything
17 else.

18 Q. Okay. When you say "dark," what color were they
19 wearing?

11:15:07AM 20 A. Some of them looked like they had a gray green
21 and then a dark maybe black color.

22 Q. Okay. So was there something blocking your view
23 if you could see the officers on the ground but you could
24 only see the top six inches of that BearCat?

11:15:22AM 25 A. Well, there was a lot of police vehicles kind of

1 blocking my way so I couldn't move, and then they had set
2 up perimeters so I couldn't move anywhere, and then they
3 also had a -- at one point in time they brought in an
4 ambulance, and it was staged there. So at various times
11:15:41AM 5 then the vision got blocked by everything going on in that
6 area from -- from Baker that way.

7 Q. Okay. And this is still from a city block away;
8 correct?

9 A. Yes.

11:15:54AM 10 Q. Any of the police officers that you saw at
11 Bristol and Santa Ana, did you see them with a weapon out
12 of any sort?

13 A. No.

14 Q. Okay. At any point on the date of this incident,
11:16:09AM 15 did you ever see a police officer with their weapon out at
16 Bristol and Santa Ana?

17 A. No.

18 Q. All right. When you first arrived at Baker and
19 Santa Ana in response that phone call from Julio, I know
11:16:33AM 20 that you said you saw three police vehicles. What's the
21 first thing you did upon arriving at that street corner?

22 A. I just stood there, and my daughters were back
23 and forth, and we were just, you know, trying to find out
24 what was going on. My son-in-law came.

11:16:57AM 25 Q. And how long did you stand at that street corner?

1 A. Actually I stood there until 2:30 in the morning
2 the next morning.

3 Q. Okay. So you stood at that street corner from
4 about 5:00 o'clock in the evening until 2:00 in the
11:17:16AM 5 morning?

6 A. Yes.

7 Q. Did you ever leave that street corner of Santa
8 Ana Boulevard and Baker during that period from 5:00 p.m.
9 to 2:00 a.m.?

11:17:26AM 10 A. Yes. I left about 7:00 o'clock to go to the
11 restroom.

12 Q. Okay. And when you left at 7:00 o'clock to go to
13 the restroom, where did you go?

14 A. To the ex-husband's house on Second Street.

11:17:52AM 15 Q. At any point from when you arrived at that street
16 corner of Santa Ana and Baker until you left at 2:00 a.m.,
17 did you ever have any contact with Antonio Lopez?

18 A. No.

19 Q. At any time from when you arrived at the street
11:18:11AM 20 corner of Santa Ana Boulevard and Baker, did you ever have
21 any contact with Brandon Lopez?

22 A. No.

23 Q. Did you ever try to contact Brandon Lopez that
24 day?

11:18:17AM 25 A. Yes.

1 Q. When you were standing at that street corner of
2 Santa Ana Boulevard and Baker, were there other people
3 around?

4 A. There had to have been at least a hundred people
11:21:15AM 5 around.

6 Q. Okay. And I know you've mentioned that your two
7 daughters were there as well; is that correct?

8 A. Yes.

9 Q. Was there anyone else at that street corner that
11:21:28AM 10 you recall or recognize?

11 A. The -- one of the mothers of my grandchild, Rocio
12 Flores, she was there. A friend of hers were there, and a
13 lot of the neighbors were there.

14 Q. Okay. Other than you, your two daughters and
11:21:48AM 15 Rocio Flores, was there anyone else that you recognized
16 that was there?

17 A. My son-in-law.

18 Q. Was that Julio?

19 A. Yes.

11:21:55AM 20 Q. Okay. Anyone else that you recall being present?

21 A. My nephew. Actually two nephews.

22 Q. What are their names?

23 A. Jonathan Hernandez and Michael Hernandez.

24 Q. Anyone else?

11:22:10AM 25 A. I believe one other nephew, Luis. Luis Perez.

1 Q. So other than Rocio Flores, Julia Flores -- or
2 excuse me, Julio Flores and Jonathan and Michael Hernandez
3 and Luis Perez, was there anyone else that you recognized
4 that was present?

11:22:30AM

5 A. No.

6 Q. Okay. From when you arrived at that street
7 corner of Santa Ana Boulevard and Baker at about 5:00 in
8 the evening on the 28th of September until you left at
9 2:00 a.m. the following day, other than leaving at 7:00
10 p.m. to go to your ex-husband's house, did you ever go
11 anywhere else during that time?

11:22:52AM

12 A. No. Uh-uh.

13 Q. As far as this incident between Brandon and the
14 police officers, what's the first thing that you recall
15 occurring when you were present at the street corner?

11:23:12AM

16 A. Just a lot of commotion. A lot of cops standing
17 around. Maybe about an hour or two after I got there, my
18 son-in-law was called to a -- called to a -- I know. It's
19 kind of scary.

11:23:47AM

20 MS. BAKKEN: Can we go off record real quick?

21 THE VIDEOGRAPHER: Off record, Counsel? Off
22 record?

23 MS. QUESADA: Oh, yes. Sorry.

24 THE VIDEOGRAPHER: Off record. 11:24.

11:24:36AM

25 (Off-the-record discussion.)

1 THE VIDEOGRAPHER: Back on record. The time is
2 11:25.

3 BY MS. BAKKEN:

4 Q. Okay. So I'm sorry. You were telling me that
11:24:55AM 5 about an hour or two after you arrived, then I think you
6 started to say your son-in-law --

7 A. My son-in-law approached a car. I believe it was
8 a Santa Ana police car, and my ex-husband came out, and I
9 didn't know he was in that car, and then they both left.
11:25:18AM 10 And then my son-in-law came back, and he stayed with me
11 the remainder of the night.

12 Q. And the police vehicle that you saw Antonio Lopez
13 come out of, where was that vehicle positioned?

14 A. Right exactly at the corner of Baker and Santa
11:25:41AM 15 Ana Boulevard. It was kind of catty -- kind of blocking
16 the intersection so you couldn't move through. It was
17 just right middle of the -- the street.

18 Q. And other than seeing Antonio Lopez come out of a
19 police vehicle at Baker and Santa Ana, what's the next
11:25:59AM 20 thing that you recall happening?

21 A. I want to say about 9:50, 9:55, we had a police
22 officer come up to us and advise us that they would be
23 entering like incendiaries or flash bangs to try to get
24 Brandon out of the car, so they advised us that we would
11:26:36AM 25 be hearing some noises.

1 Q. Okay. And was that a conversation you overheard,
2 or did a police officer come up --

3 A. Well, they come up to me.

4 Q. Hold on. Let me get my question out. I know
11:26:52AM 5 sometimes you know where it's going.

6 Did a police -- is that a conversation that you
7 overheard, or did a police officer come you to you and
8 tell you they were going to use flash bangs to get Brandon
9 out of the car?

11:27:05AM 10 A. They came up to me.

11 Q. Do you recall if that was a Santa Ana police
12 officer, an Anaheim police officer or something else?

13 A. I do not.

14 Q. Was that one officer or multiple?

11:27:16AM 15 A. It was one.

16 Q. Do you remember what that officer looked like?

17 A. It was Hispanic, smaller size. Smaller in
18 stature, older.

19 Q. Is that a different officer than the Hispanic
11:27:33AM 20 officer that you described earlier who asked if you were
21 Brandon's mom?

22 A. Yes.

23 Q. Okay. And other than that officer telling you
24 that they were going to use flash bangs to get Brandon out
11:27:43AM 25 of the car, did that officer say anything else to you?

1 A. No.

2 Q. Do you know why that officer came up and informed
3 you of that?

4 A. When he approached me, he asked if I was
11:27:58AM 5 Brandon's mom, I believe. I said yes.

6 Q. And I know you've given me the gist of what he
7 said. Do you recall verbatim or as close to verbatim of
8 what he told you?

9 A. That was pretty much all he -- what he told me.

11:28:13AM 10 Q. Did you respond to him telling you that they were
11 going to use flash bangs to get Brandon out of the car?

12 A. I believe I started crying.

13 Q. And did that officer say anything at that point
14 in response?

11:28:27AM 15 A. No.

16 Q. How did that interaction between you and that
17 officer end?

18 A. I think I just said, "Thank -- you know, "Thank
19 you for letting me know," and that was pretty much it.

11:28:45AM 20 Q. Was anyone else present for that conversation
21 other than you and that police officer?

22 A. My son-in-law, Julio Torres.

23 Q. After that conversation with the police officer
24 at about 9:50 or 9:55, what's the next thing that

11:29:03AM 25 happened?

1 A. We stood at that same corner, and then I just
2 remember the flash bangs.

3 Q. When you say you remember the flash bangs, what
4 do you mean?

11:29:21AM 5 A. I could hear them.

6 Q. What did you hear?

7 A. Flash bangs, and immediately after gunfire.

8 Q. Had you ever heard a flash bang before this
9 incident?

11:29:41AM 10 A. No.

11 Q. How is it that you knew that what you were
12 hearing was a flash bang?

13 A. Because it -- it had kind of a popping -- not a
14 popping sound. It didn't have a gunfire sound. It had a
11:30:08AM 15 different tone to it, so I'm assuming that's what the
16 flash bangs were since they had already told me they were
17 going to do it.

18 Q. Can you describe for me the noise that you heard?

19 A. Almost sounded like a -- like a firecracker.

11:30:27AM 20 Q. Okay. And you said you heard flash bangs. Was
21 there more than one?

22 A. There was multiple. Yes.

23 Q. How many?

24 A. Maybe three or four.

11:30:40AM 25 Q. Okay. So you heard three or four noises that you

1 assumed were flash bangs?

2 A. Yes.

3 Q. And how much time passed between the first flash
4 bang that you assumed you heard and what you assumed to be
11:30:55AM 5 the fourth flash bang?

6 A. Maybe a matter of a couple seconds.

7 Q. When you say "a couple," how many do you mean?

8 A. Maybe two, three seconds.

9 Q. Okay. So all four of the three to four noises --

11:31:13AM 10 A. They were consecutive like one right after the
11 other.

12 Q. So all three to four of those noises that you
13 assumed to be the noise of a flash bang occurred within
14 two to three seconds?

11:31:23AM 15 A. Yes.

16 Q. And then you said you heard gunfire immediately
17 after those three to four noises?

18 A. Yes.

19 Q. What did you hear? Can you describe for me what
11:31:45AM 20 the noise was that you heard that you believed to be
21 gunfire?

22 A. Gunshots.

23 Q. Okay. How many gunshots did you hear?

24 A. A lot of them, and they were all in succession.

11:32:02AM 25 Q. Approximately how many?

1 A. Probably at least ten.

2 Q. So at least ten. Was it less than 20?

3 A. It just seemed to go on. It could have been 20.

4 It just seemed like it never stopped.

11:32:25AM 5 Q. Okay. At least ten. Would it be less than 30?

6 A. It could be less than 30.

7 Q. Somewhere between ten and 30 sound correct?

8 A. Yeah.

9 Q. From when you heard the last noise that you
11:32:59AM 10 assumed to be a flash bang until you heard the first noise
11 that you assumed to be a gunshot, how much time passed?

12 A. Seconds.

13 Q. What's --

14 A. Maybe three or four seconds.

11:33:18AM 15 Q. From when you heard the first noise that you
16 assumed to be a gunshot until you heard the last noise
17 that you assumed to be a gunshot, how much time passed?

18 A. Maybe about a minute, just --

19 Q. When you heard the ten to 30 sounds that you
11:33:51AM 20 believed to be gunshots, were there any pauses or breaks
21 in between them?

22 A. No.

23 Q. So is it correct to say that from when you heard
24 that first noise that you believed to be a flash bang
11:34:12AM 25 until you heard the last noise that you believed to be the

1 last gunshot, that would have been all within about a
2 minute and two to three seconds?

3 A. That sounds about right.

4 Q. For that entire minute and two to three seconds,
11:34:28AM 5 were you still standing on the northeast corner of Santa
6 Ana and Baker?

7 A. I was, but I had fallen to the floor. I started
8 screaming.

9 Q. Other than this incident, had you ever heard the
11:34:48AM 10 sound of a gunshot before?

11 A. Yes.

12 Q. In what scenario?

13 A. Maybe about seven years prior to this incident, a
14 15-year-old boy was shot at the corner of Second and
11:35:16AM 15 Baker. I heard the gunshot, and we found this poor kid in
16 the -- right off of the curb. Somebody had killed him.

17 Q. The gunshots that you believe you heard during
18 this incident, did they sound the same as the gunshot that
19 you had heard seven years prior?

11:35:34AM 20 A. No.

21 Q. Okay. How did they sound different?

22 A. Rapid fire. Just sounded more rapid succession.
23 And the gunshot I heard seven was just like a -- one shot,
24 just a little bit more louder and -- but the ones from
11:36:06AM 25 the -- the day of the event was more -- they were more,

1 you know, in succession the way they were being released.

2 Q. Do you have any familiarity with firearms?

3 A. No.

4 Q. Okay. Is it correct to say that you would not be
11:36:26AM 5 able to tell the type of firearm based on the sound that
6 you hear?

7 A. Probably.

8 Q. Based on the noises that you heard during this
9 incident, could you identify the type of firearm that you
11:36:38AM 10 believed was being used?

11 A. No.

12 Q. So I know you said after you heard those noises
13 that you assumed to be a flash bang and the gunshots, you
14 then fell to the floor at the street corner; correct?

11:37:02AM 15 A. (Witness nods head.)

16 Q. Is that a yes?

17 A. Yes.

18 Q. What's the next thing that happened?

19 A. People just started coming up to me, and
11:37:15AM 20 everybody was in hysterics. Daughters came back, and they
21 were just -- everybody was hysterically crying.

22 Q. Okay. When you say everyone was crying, who are
23 you referring to?

24 A. My nephew. My nephew. Rocio, her friend.
11:37:59AM 25 There's neighbors. People that were there.

1 Q. What's the next thing that you remember happening?

2 A. Nothing happened. Nothing happened until about

3 2:00 o'clock. Nobody came up to us. Nobody said

4 anything. It was about 2:00 o'clock. I finally had -- I

11:38:33AM 5 believe it was that same officer that told me about the

6 flash bangs or what they were going to do. He finally

7 came up to me, and I asked him what's going on.

8 Q. Did that officer respond to you?

9 A. Yes.

11:39:03AM 10 Q. And what did he tell you?

11 A. He said my son was deceased.

12 Q. Are those the words that he used, or is that your

13 understanding of what he told you?

14 A. His exact words were, "Yes. Your son is dead."

11:39:27AM 15 Q. So if I understand correctly, that conversation

16 between you and that police officer was you went up to

17 him, and you asked him what is going on, and he responded,

18 "Yes. Your son is dead"?

19 A. Yes.

11:39:40AM 20 Q. Was there anything else said between the two of

21 you?

22 A. No.

23 Q. Do you recall approximately what time it was that

24 you heard that first noise that you believe to be a flash

11:39:57AM 25 bang?

1 A. A little bit after 10:00.

2 Q. At any point from when you arrived at Baker and
3 Santa Ana Boulevard until 2:00 a.m. the following morning,
4 had you ever visually seen Brandon?

11:40:25AM 5 A. No.

6 Q. Did you ever hear Brandon at any point when you
7 were at that location?

8 A. No.

9 Q. Is it correct to say that the only basis for you
11:40:50AM 10 believing that Brandon was at that street corner of
11 Bristol and Santa Ana was Julio's representation to you
12 that he was?

13 A. Well, the neighbors -- as I was standing there,
14 the neighbors came up to me and said it was Brandon in the
11:41:29AM 15 car. I mean Julio's not the only one, but people who were
16 there were saying it was Brandon in the car.

17 Q. Okay. And who were those individuals that told
18 you that?

19 A. I would say my daughters knew that -- my
11:41:45AM 20 daughters, Michelle, Melissa, knew it was Brandon in the
21 car.

22 Q. So I don't want you to try and guess what other
23 people knew. I just want to know if anyone else told you
24 or represented to you that Brandon was at Bristol and
11:41:58AM 25 Santa Ana, or if it was just Julio Torres.

1 A. The -- the first police officer that -- that I --
2 that came up to me and asked me about Brandon let me know
3 that he was in the car.

4 Q. That would be the Hispanic officer --

11:42:25AM 5 A. Yeah.

6 Q. -- that asked you if you were Brandon's mother?

7 A. Yes.

8 Q. And what did he tell you in that regard?

9 A. After he asked me, he just said -- he goes,
11:42:42AM 10 "Brandon is in the car," and I think he said something to
11 the -- I think he said that they were trying to get him to
12 answer a phone, or the negotiators were trying to talk to
13 him, and that's when he asked me to give him a little bit
14 of insight about Brandon, how he was.

11:43:01AM 15 Q. And you said that that officer told you that
16 Brandon is in the car.

17 A. Yes.

18 Q. Did you have any context of what car he was
19 referring to?

11:43:08AM 20 A. He didn't say what car he was -- he was in.

21 Q. Okay. So this officer just came up to you and
22 said that Brandon was in the car and then asked if you
23 were his mother?

24 A. Yes.

11:43:21AM 25 Q. And then asked for additional details?

1 A. Yes.

2 Q. Other than that conversation with the police
3 officer where he told you that Brandon was in an
4 unidentified car and asked if you were his mother, and
11:43:41AM 5 then the other police officer who came up to you and
6 advised you that they were going to use flash bangs, did
7 you have any other conversations with police officers that
8 day?

9 A. No. Those were the only two.

11:43:51AM 10 Q. At any point, were you ever interviewed by any
11 detectives or officers following this incident?

12 A. No.

13 Q. At the time that you heard what you believed to
14 be the flash bang, could you see anything that was
11:44:08AM 15 occurring at Bristol and Santa Ana?

16 A. No.

17 Q. At the time that you heard what you believed to
18 be gunfire, could you see anyone with a firearm?

19 A. No.

11:44:21AM 20 Q. Is it correct to say, then, that when you fell to
21 the floor in response to hearing those things, you didn't
22 know what was occurring at Bristol and Santa Ana other
23 than the noises that you heard?

24 A. I knew what gunshots meant.

11:44:46AM 25 Q. So you heard what you believed to be gunshots;

1 that night?

2 A. That's correct.

3 Q. Other than what you've told me on the record
4 today, is there anything else that you recall observing
11:52:52AM 5 about this incident that you've not yet told me?

6 A. No.

7 MS. BAKKEN: All right. If we can go off the
8 record and take a quick break.

9 THE VIDEOGRAPHER: Off record?

11:53:07AM 10 MS. QUESADA: Sure.

11 THE VIDEOGRAPHER: Off record. 11:53.

12 (Recess taken.)

13 THE VIDEOGRAPHER: Back on the record. The time
14 is 12:01.

12:01:09PM 15 BY MS. BAKKEN:

16 Q. Ms. Lopez, what is Brandon Lopez's birth date?

17 A. December 2nd, 1987.

18 Q. And where was Brandon born?

19 A. Orange, California.

12:01:21PM 20 Q. And Brandon's parents will be yourself and
21 Antonio Lopez; correct?

22 A. Right.

23 Q. Did Brandon ever go by any other names in his
24 lifetime?

12:01:35PM 25 A. No.

1 to ask. Was any of your property as far as your
2 belongings damaged as a result of this incident?

3 A. No.

4 Q. Okay. Turning to physical damages, that's
12:19:22PM 5 separate from psychological, which we'll get to. It's
6 things like your body being harmed as far as a broken bone
7 a bruise, things like that. Did you ever suffer any
8 physical damages as a result of this incident?

9 A. No.

12:19:34PM 10 Q. All right. Now turning to your psychological and
11 emotional damages, people feel psychological damages and
12 experience them differently. So as far as this incident,
13 how did it affect you emotionally and psychologically?

14 A. That was my son. It's one thing to lose a child
12:20:04PM 15 through an illness or a traffic accident or just lose a
16 child in general, but when we're talking about in which
17 the manner he was -- he lost his life, and me being
18 present and auditorily hearing everything, I can't even
19 begin to tell you how it's been because I hear those
12:20:28PM 20 sounds 24/7.

21 Q. When you say that you hear those sounds, what do
22 you mean?

23 A. That one to three minutes plays often in the
24 background. If I see a picture of Brandon, that's the
12:20:55PM 25 first thing that comes to mind.

1 Q. Have you ever gone to see a therapist or a
2 psychiatrist since this incident about the emotional
3 damages?

4 A. Yes.

12:21:10PM 5 Q. And when did you first begin seeing a -- well,
6 strike that.

7 Was it a therapist or a psychiatrist or a
8 psychologist or something else?

9 A. It's a therapist.

12:21:22PM 10 Q. When did you first begin seeing a therapist?

11 A. About eight months ago, nine months ago.

12 Q. So would that be towards the end of 2023?

13 A. Yes, somewhere around -- well, even -- no. Like
14 mid -- like July, August.

12:21:58PM 15 Q. And what is the name of that therapist that you
16 began seeing in July or August of 2023?

17 A. I don't have her name. I have to pull it. It's
18 through St. Joseph's Heritage Medical Group. I can send
19 it to you.

12:22:13PM 20 Q. Sure. If we leave a blank in the transcript,
21 would you be able to fill that in --

22 A. Yeah.

23 Q. -- when you review it? Thank you.

24 (INFORMATION REQUESTED: _____)

12:22:17PM 25

1

2

3

BY MS. BAKKEN:

4

Q. And how often are you seeing that therapist?

12:22:23PM 5

A. Every two weeks.

6

Q. And are those in-person visits or --

7

A. They're Zoom.

8

Q. Zoom. Prior to July, August of 2023, had you

9

seen a therapist?

12:22:41PM 10

A. I had -- I had seen one in between, but with

11

Zoom, and I was in between insurance coverages, so it was

12

kind of impossible, and what they wanted was out of my

13

price range, so I had to kind of just wait on it. I was

14

in between employers so --

12:23:04PM 15

Q. When you were seeing that therapist before you

16

switched, how long were you seeing them for?

17

A. I only got to see them once a month for -- it was

18

like eight months.

19

Q. Do you remember that therapist's name?

12:23:19PM 20

A. I can get that to you as well.

21

Q. Thank you.

22

A. It was through St. Joseph's.

23

Q. Okay. Other than those two therapists that

24

you've told me about, have you seen any other mental

12:23:31PM 25

health or -- excuse me, psychiatrists, psychologists

1 regarding this incident?

2 A. No.

3 Q. Do you find that seeing those therapists has
4 helped you?

12:23:42PM 5 A. They give me some -- yeah. Yes.

6 Q. And have they given you any medication to assist
7 you with how you've been feeling?

8 A. Actually, my doctor put me on medication, my
9 primary doctor.

12:24:05PM 10 Q. Okay. And do you know that doctor's name?

11 A. Philip Madrid.

12 Q. And what did that doctor prescribe to you?

13 A. Xanax.

14 Q. And when were you prescribed Xanax from

12:24:21PM 15 Dr. Madrid?

16 A. I want to say in October.

17 Q. Would that be October of 2023?

18 A. Of 2021.

19 Q. And what is your understanding of why Dr. Madrid
12:24:38PM 20 prescribed you Xanax?

21 A. I told him what happened.

22 Q. And did Dr. Madrid give you any diagnosis at that
23 time?

24 A. He said that it sounded like I was experiencing
12:24:54PM 25 PTSD.

1 Q. Is it correct that you received a formal
2 diagnosis of PTSD from Dr. Madrid?

3 A. It's possible. Yes, it's safe to say. Yeah.

4 Q. And other than prescribing you Xanax, did
12:25:10PM 5 Dr. Madrid prescribe you anything else or assign you any
6 other treatment for that?

7 A. Well, he encouraged me to go treatment.

8 Q. Okay.

9 A. To see a therapist.

12:25:21PM 10 Q. Other than being prescribed Xanax and going to
11 therapy, did you receive any other treatment?

12 A. No.

13 Q. Do you feel that you suffer from depression as a
14 result of this incident?

12:25:39PM 15 A. Yes.

16 Q. And how does that manifest for you?

17 A. I'll give you an example. I feel very guilty to
18 celebrate birthdays and events now because we're minus one
19 person. I feel guilty in -- I feel guilty when I feel any
12:26:27PM 20 sense of happiness because I'm short one person in my
21 life. There's a -- there's a sense of sadness.

22 Q. Do you feel as though you've suffered from
23 anxiety as a result of this incident?

24 A. Um-hum.

12:26:46PM 25 Q. How so?

1 A. I don't trust anybody anymore. I don't trust
2 anything.

3 Q. Other than going to therapy, is there anything
4 else that you've found that you can do that helps you feel
12:27:13PM 5 a little bit better?

6 A. Brandon and I were very kindred in music.
7 Actually, all my children are -- are very involved in
8 music. This -- they were -- so I have, you know, my
9 specific nights that I listen to what Brandon liked to
12:27:41PM 10 listen to to try to cope.

11 Q. Have you ever written anything down about this
12 incident or how you've been feeling?

13 A. No.

14 Q. Some people feel that when they suffer from
12:28:08PM 15 anxiety or depression that they have physical
16 manifestations of that, like they lose their appetite or
17 they don't sleep as well. Have you experienced anything
18 like that?

19 A. I haven't had a decent night's sleep since that's
12:28:24PM 20 happened.

21 Q. Other than what you've already told me, have you
22 experienced any other emotional or psychological damages
23 related to this incident?

24 A. No. Because I just feel like I'm suffering
12:29:12PM 25 enough.

1 Q. I know when I started these questions, I broke it
2 up into the four categories for you. Is there anything
3 that you feel like you've suffered from or experienced
4 that don't fall into those categories?

12:29:26PM

5 A. No.

6 Q. Throughout today's deposition, have you been
7 completely honest with me?

8 A. Um-hum. Yes.

12:29:49PM

9 Q. Is there anything to any of the questions that
10 I've asked you that you feel like since you've thought
11 about it and we've been here a couple hours that you want
12 to add to any of your answers or change any of your
13 answers?

14 A. No.

12:29:58PM

15 MS. BAKKEN: Okay. Then I don't have any further
16 questions for you, but I appreciate your time today. I
17 don't know if, Counsel, if there's any follow-up you'd
18 like, or if you want to take a break, we can.

19

12:30:05PM

20 EXAMINATION

21 BY MS. QUESADA:

22 Q. I'll just ask briefly, the photo that you saw of
23 Brandon earlier that Ms. Bakken showed you, had you ever
24 seen that photo before?

12:30:17PM

25 A. No.

1 Q. Okay. Did it look unfamiliar to you the way
2 Brandon appeared?

3 A. Yes.

4 Q. How so?

12:30:25PM 5 A. Brandon never had hair. He was always bald. He
6 hadn't had hair for years. If you look at pictures of
7 Brandon, Brandon has -- and I'm not being racial in any
8 way, but Brandon had more Filipino traits. He had more of
9 a -- of an almond slant in his eyes that -- the eyes and
12:30:51PM 10 the nose do not look like Brandon. The -- the tattoo
11 that's across that says Sonny Boo, it's placed correctly,
12 and there's another tattoo over the -- over the cheekbone
13 that says Rosie that's placed correctly, but the eyes,
14 just the facial structure, that doesn't look like Brandon
12:31:18PM 15 at all. Doesn't look like -- anything like him.

16 Q. Okay. And then on the day of the incident when
17 you were standing at the corner and you heard the flash
18 bangs and you heard what you believed to be gunshots, you
19 said you fell to the floor, and you were screaming. Why
12:31:36PM 20 did you fall to the floor and were screaming?

21 A. Because I knew what had happened. It doesn't
22 take -- doesn't take common sense to figure it out.

23 Q. You understand --

24 A. I understood exactly what had happened.

12:31:48PM 25 Q. Okay. Okay. And you stayed there until about

1 2:30; correct? How come you stayed there until 2:30?

2 A. Because I wanted somebody to tell me that he was
3 dead, and it wasn't until like 2:00 o'clock when I finally
4 got my answer. Nobody -- in all that time, nobody came up
12:32:08PM 5 to me. And I'm diabetic, and I -- the only reason why I
6 went home at 2:00 is because I got my answer, and I didn't
7 have anything to eat, and I started feeling like I was
8 going into shock, but nobody took -- took forever for
9 somebody to come up and tell me that Brandon was dead.

12:32:29PM 10 MS. QUESADA: Okay. All right. I don't have any
11 other questions. Thank you.

12

13 FURTHER EXAMINATION

14 BY MS. BAKKEN:

12:32:33PM 15 Q. Just very briefly -- would you like to take a
16 break? I just have one clarifying question.

17 A. No. Go ahead.

18 Q. Okay. When counsel was just asking you about the
19 photo, I just want to make sure that the record's clear.

12:32:44PM 20 When you said that you had a hard time recognizing
21 Brandon, was that in what I had showed you that was marked
22 as Exhibit 2 that's labeled as a booking photo from
23 February 7th of 2021?

24 A. That's correct.

12:32:57PM 25 MS. BAKKEN: Okay. Thank you. We can go off

1 STATE OF CALIFORNIA)
2 COUNTY OF ORANGE) ss.

3
4 I, CRISTINA ROLLER, Certified Shorthand Reporter,
5 License No. 10879, for the State of California, do hereby
6 certify:

7 That, prior to being examined, the witness named in
8 the foregoing deposition, to wit, JOHANNA SUZETTE LOPEZ,
9 was by me duly sworn to testify the truth, the whole truth
10 and nothing but the truth;

11 That said deposition was taken down by me in shorthand
12 at the time and place therein named and thereafter reduced
13 to computer-aided transcription under my direction.

14 That the foregoing transcript, as typed, is a true
15 record of the said proceedings.

16 I further certify that I am not interested in the
17 event of the action.

18
19 WITNESS my hand this 21st day of
20 May, 2024.

21
22
23 *Cristina Roller*

24 _____
25 CRISTINA ROLLER, C.S.R. NO. 10879